

Application Serial No: 09/530,929  
Filed on May 4, 2000  
Attorney Docket No. 4817/0P

## Declaration and Power of Attorney for Patent Application

As the below named inventor(s), We hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### SPECIFIC AND SENSITIVE NUCLEIC ACID DETECTION METHOD

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the specification of which (check one)

is attached hereto.

was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable).

was filed on November 3, 1998 as

PCT International Application Serial No. PCT/EP98/06951

and was amended under PCT Article 19 on January 13, 2000 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

#### Priority Claimed

197 48 690.8  
(Number)

DE  
(Country)

4 November 1997  
(Day/Month/Year Filed)

[ X ]  
Yes [ ]  
No

198 14 001.0  
(Number)

DE  
(Country)

28 March 1998  
(Day/Month/Year Filed)

[ X ]  
Yes [ ]  
No

198 14 828.3

DE  
(Country)

2 April 1998  
(Day/Month/Year Filed)

[ X ]  
Yes      [ ]  
No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>
<u>(Application No.)</u>	<u>(Filing Date)</u>	<u>(Application No.)</u>	<u>(Filing Date)</u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/EP98/06951</u> <u>(Application Serial No.)</u>	<u>November 3, 1998</u> <u>(Filing Date)</u>	<u>Pending</u> <u>(Status) (patented, pending, abandoned)</u>
<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status) (patented, pending, abandoned)</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the practitioners at Customer Number 22829 to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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Send Correspondence to: Customer Number 22829

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Direct Telephone Calls Victor K. Lee, Ph.D.  
to: (510) 814-2966

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*10* CHRISTOPH KESSLER

Full Name Of Sole Or First Inventor

GK  
Sole Or First Inventor's Signature

10. August 2000  
Date

Icking, Germany  
Residence

DEX

German

Citizenship

Schlossbergweg 11, D-82057 Icking, Germany

Post Office Address

GERD HABERHAUSEN

Full Name Of Second Joint Inventor, If Any

*20* Jel. Müller  
Second Inventor's Signature

10. August 2000  
Date

Iffeldorf, Germany  
Residence

DEX

German

Citizenship

Jochbergweg 2, D-82393 Iffeldorf, Germany

Post Office Address

KNUT BARTL

Full Name Of Third Joint Inventor, If Any

*Knut Bartl*

Third Inventor's Signature

*August 30, 00*

Date

Wielenbach, Germany

Residence

*DKX*

German

Citizenship

Am Westend 6, D-82407 Wielenbach, Germany

Post Office Address

HENRIK ORUM

Full Name Of Fourth Joint Inventor, If Any

*H. Orum*

Fourth Inventor's Signature

*X September 7th, 00*

Date

Vaerlose, Denmark

Residence

*DKX*

Denmark

Citizenship

Vildrosevej 3, DK-3500 Vaerlose, Denmark

Post Office Address

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.